

RESEARCH RESULTS – 2008

(Summaries of completed research)

Content

Empirical research on the prison population serving life sentences.....	1
Mediation in Domestic Violence Cases –Comparative Research on Anglo-Saxon and Continental Practice	2
Family bonding and relationships with their peers in Estonia and Hungary. A comparative study (ISR2)	2
ISR2-2 Bosnia and Herzegovina: Violent and property delinquencies	3
Reforms of the Juvenile Justice System in USA and its Effects on European Movements	3
Built environment – Crime – Situational crime prevention	4
Soziologischen Theorien des Terrorismus	4
Geistige Quellen und Ideologien des politischen Islam	5
Internet hotlines for victims – importance and future development.....	6
Frustration conflict-resolution patterns and their relation to scales of values Meta-analysis	7
'DADA' is 15 years old. Evaluation of the police prevention programme	7
The role of the Hungarian Customs and Finance Guard in environmental protection	8
Vorstellungen über die Stellung und Rolle der Staatsanwaltschaft.....	9
European Union – An Area of Freedom, Security or Justice?	9
Act on forensic experts	10
Die aktuellen Fragen der strafrechtlichen Verantwortung Die Gefahr auf die Gesellschaft und Strafrechtswirtdigkeit	10
Reasons for Reviewing the Age Limit of Criminal Responsibility. The Characteristics of Social and Justice Systems Dealing with Minors who Commit a Crime.....	11
The role of prosecutors in the process of mediation.....	11
Human smuggling and trafficking in human beings in the European Union: regulation and practice.....	12
Crimes by women between 1996 and 2007 based on ERÜBS	12
The Legislation of Economic Crimes between 1989 and 2007	13

I. RESEARCH PROJECTS IN THE MAIN FIELDS OF RESEARCH

THE FIRST MAIN FIELD OF RESEARCH: VIOLENT CRIME

Szilvia Antal – László Tibor Nagy – Ágnes Solt:

Empirical research on the prison population serving life sentences

The research has been carried out in different prisons in Hungary. The sample interviewed consisted of 149 prisoners serving life sentences (out of the total lifer population of 231); 9 of the prisoners interviewed were serving life sentence without the possibility of conditional release. The custodial settings have also been explored, and information gathered from both the managerial and specialist layers of staff. The majority of lifers had no prior criminal past. An increase has been observed in the proportion of homicidal offenders who were younger (less than 30 years old). With younger offenders, the homicidal offences more often had been motivated by material profit. These inmates – at a “theoretical level” – despise homicide as an extremely serious crime, but tend to refuse to take responsibility for their own deed toward others. Their parents seem to be the only relatives they can rely on in the course of the decades of incarceration. The mental health of such prisoners is deteriorating continuously. The lifer population is more cooperative („less problematic”) than the overall population, but the high rate of suicide attempts indicates the need for enhanced mental care. There is a need for pre-release reintegration programmes, and post-release follow-up research would be of

benefit. The current legislation, making it possible to impose life sentences without the possibility of conditional release, is not supported by the researchers, since it is a specious form of capital punishment, and is clearly against the constitutional principles and also inconsistent with the current civilised European criminal policy, whereas it would be important to reconsider the system of conditional release, which, given appropriate communication with the community, could contribute to greater social acceptance of a more humane penal policy.

Szilvia Gyurkó:

Mediation in Domestic Violence Cases –Comparative Research on Anglo-Saxon and Continental Practice

Mediation in domestic violence cases is a controversial issue. Arguments around where lies the border between a state monopoly of punishment and freedom of choice have played a fundamental role in the process of criminalising violence against nuclear and extended family members over the last 30 years (in the last 5-8 years in Hungary). There is another important question in this field on the type of state criminal policy: should it be retributive or restorative? In this paper I wished to summarise the factors, indicators and arguments for and against mediation in domestic violence cases. I also compared the Anglo-Saxon and continental practice regarding mediation in civil and criminal law cases. When summing up my findings, I tried to identify the meeting points of these systems and explain how mediation in such domestic cases could become a mainstream problem-solving method in Hungary.

SECOND MAIN FIELD OF RESEARCH: THE INVOLVEMENT OF CHILDREN AND YOUNG PEOPLE IN CRIME

Katalin Parti:

Family bonding and relationships with their peers in Estonia and Hungary. A comparative study (ISR2)

The analysis of the Hungarian data file from the International Self-Reported Delinquency Study (ISR2) was completed in 2007. Estonia has been chosen for comparison, because its sample is nationally representative – as with Hungary. Moreover, we have approximately the same sample sizes: 2203 Hungarian and 2613 Estonian students were selected in the research. The sample contained mainly 13-15 year-old students in both countries (Estonia: 83.4%; Hungary: 87.2%); with the same proportion of pupils aged 14 (Estonia: 34.4%, Hungary: 35.7%). Both samples contained even proportions of boys and girls as well.

In this study I analysed the relationships with the family and peers as a very important factor in young people's lives. I studied how these two factors connect and influence deviant activities. The differences between the two countries are as follows.

Estonian kids:

- Not so bonded with their parents as Hungarians
- Under less parental control
- Less obedient
- Have more leisure time activities away from home
- Spend more time with their peers / more frequently meet their peers

- More bonded with their peers
- Have a more violent attitude in common
- A lower proportion of gang-member kids but more group-deviance by gangs
- A higher number of deviant acts committed alone or in group
- Some deviant acts are at a higher level than in Hungary independently, at the level of peer relations (beer/wine, spirits, drug consumption, drug dealing, carrying weapons)

Hungarian kids:

- Less deviant and there is a lower proportion of kids committing 2 or more deviant acts
- Family bonding is more powerful: family bonding is a retentive power against deviance, but up to 6 or more deviant acts! (career criminals?)
- Family bonding is rather formal (parents cannot control what the kids do in their spare time)
- Less deviant than Estonian kids in sum, but if they have a constant peer group which is not considered a gang, they are more deviant in terms of vandalising and pick-pocketing. (The incidence of shoplifting in this group is equal to that of Estonians.)

Andrea Borbíró:

ISRD-2 Bosnia and Herzegovina: Violent and property delinquencies

The paper presents preliminary findings on the International Self-Reported Delinquency Study (ISDR) 2 conducted in Bosnia and Herzegovina. As the standard ISRD-2 questionnaire was used both in the Hungarian and the Bosnian researches, a comparison between the two countries was possible. Out of the four groups of delinquent behaviour (violent, property, drug and alcohol, and computer-related), this paper gives a more detailed, though still preliminary, account of violent and property delinquencies. The study found a stronger level of social bond and a more limited criminal involvement amongst the Bosnian respondents, though the differences between the two countries are much smaller in the category of violent delinquency.

Szilvia Gyurkó:

Reforms of the Juvenile Justice System in USA and its Effects on European Movements

An appropriate reaction to juvenile delinquency means an active understanding, in that the main purpose is not just the prevention of negative situations but increasing the social potential of juveniles. Its prevention is not just a mission for the juvenile justice system and it includes respect for children's rights, youth participation and engaging social services.

Crime prevention and the police and other authorities dealing with crime together with the educational, health and social sectors are the key factors in the operation of juvenile justice systems.

To limit risk factors through primary prevention is the model that we have to learn from the USA.

THE THIRD MAIN FIELD OF RESEARCH: THE PROTECTION OF SOCIETY AND CRIME CONTROL – REACTIONS TO THE CRIMES COMMITTED

Tünde Barabás – Ferenc Irk – Szandra Windt:

Built environment – Crime – Situational crime prevention

Crime prevention, which includes a variety of answers to crime and its prevention, is a problem that is as old as human society itself, and has always been present to a varying degree of intensity. According to the decision made by the Council of the European Union on 28 May 2001, crime prevention means all those measures and interventions aiming at or resulting in a decrease in the incidence of crime and to improve citizens' sense of security, whether by reducing the number of crime occasions, by mitigating the impact of factors resulting in crime or by preventing victimisation.

Now we are presenting our study that deals with a topic that is still considered to be a rarity at present in Hungary. The topic, *situational and architectural crime prevention*, is receiving increasingly more attention abroad. Its significance lies in trying to prevent crimes where it can occur, that is, mainly in the cities, where the great majority of crimes (70-80%) are committed. For this purpose, besides the indispensable cooperation between the police, local governments and NGOs, it applies a new approach to prevention, examining the impact of the built environment on the crimes committed. This wide-ranging approach is reflected in the broad spectrum of professions represented by the authors of this volume: lawyers, criminologists, sociologists and, last but not least, engineers are all represented. The incentive to write this study was provided by the so-called Crime Prevention Carousel (CPC), which was supported by the AGIS programme of the European Union, realised through international cooperation and which emphasised the role of the built environment in the prevention of crimes in housing estates. [The English title of the project is *Sharing good practices in Crime Prevention based on the evaluation of rehabilitative schemes in the rehabilitation areas in Member and Accession States*. In short: *Crime Prevention Carousel (JAI/2004/AGIS/164)*]. In this international project, which examined the criminal situation in housing estates and the potential to transform the given environment as a means of prevention, the research material that was the result of the project focused on the current situation and possible answers.

THE FOURTH MAIN FIELD OF RESEARCH: GLOBAL CRIME

Szilveszter Póczik:

Soziologischen Theorien des Terrorismus

Die soziologischen Theorien des Terrorismus bilden mehrere Schichten, das Schwergewicht der Theoriebildung liegt aber infolge der Eigentümlichkeiten des internationalen Systems auf der einschlägigen angelsächsischen Fachliteratur. Es hängt teils mit den Eigenarten der angelsächsischen Sozialwissenschaften, teils mit den des Phänomens Terrorismus zusammen, dass die verzweigten Theorien in einem durch die Sozialpsychologie dominierten Rahmen erfasst werden können. In der Entwicklung der Theoriebildung bedeuten das Ende des kalten Krieges und die anschließenden Änderungen eine Zäsur, da der Terrorismus aufgrund der Ausweitung seines Instrumentariums erst nach dem kalten Krieg zu einer internationalen Drohung wurde. Aufgrund seines mittlerweile globalen Charakters ist der gegenwärtige Terrorismus als „neuartiger Terrorismus“ zu verstehen, und nicht aufgrund einer Erneuerung

der ihm zugrunde liegenden Ideenwelt, da letztere bereits in der Periode des kalten Krieges als global anzusehen war. Die Neuartigkeit der Abwehr von Terrorrohungen ist wesentlich einfacher zu verstehen, da sich mittlerweile über die rein technisch-instrumentelle Entwicklung hinaus eine komplette Präventions- und Krisenmanagementtheorie als eine neue wissenschaftliche Disziplin anbahnt. Die theoretischen Folgerungen entwickeln sich aufgrund ihrer empirischen Ausgangspunkte auseinander. Bei den Abzweigungen der typologischen Modelle sind unterschiedliche theoretische Ausgangspunkte zu beobachten. Das Zustandekommen der Phänomene des Terrorismus werden mithilfe politikwissenschaftlicher, psychologischer, organisationssoziologischer und multikausaler Theorien erklärt. Die psychologischen Theorien erklären Anspruch auf eine generelle Theoriebildung, wobei diese Versuche, sogar ihre komplexen Versionen, in ziemlich simplen Denkmodellen wurzeln, welche die auf Hypothesen von Frustration, Aggression, Narzissmus und Negatividentität zurückgehen. Bezüglich ihres heuristischen Werts versprechen die Modelle viel mehr, die das Zustandekommen einer Terroristengruppe, den Werdegang des Terroristen von der Ebene der Vervielfachung der Motivationen her bis hin zur Verwirklichung einer selbst- und massenmörderischen Terroraktes als einen dynamischen Entwicklungsvorgang mit zahlreichen variablen beschreiben, in dem den mentalen, gruppodynamischen Voraussetzungen sowie solchen Faktoren, wie Anpassung, Engagement, Rationalisierung der Gewalt gegen Unschuldige, bestimmte Stellenwerte zugeordnet werden. Das aus diesen Faktoren ableitbare Profilmodell des Terroristen oder einer Terrororganisation ist trotz seiner zahlreichen Mängel bietet ein empirisch fundierbares, soziologisch strukturiertes Gebilde, das über die psychologischen Faktoren hinaus auch Einzelfragen nach Alter, Geschlecht, Sozialstellung, seelisch-geistige Vorbedingungen, Lücken der sozialen Integration stellen lässt. All diese theoretischen Fragen gewinnen besitzen bezüglich der Prävention und Unterbrechung von Terrorakten eine praktische Bedeutung. Die wichtigste Folgerung, die aufgrund der Untersuchung der Terrorismustheorien zu ziehen ist die, dass der Terrorismus eine Erscheinung der Welt der Politik ist, deren Vorbeugung bzw. Verhinderung vor allem mit politischen Werkzeugen erfolgen zu bewerkstelligen ist, nicht zuletzt mit fachpolitischen Methoden der Außenpolitik, Sozialpolitik, Justizpolitik und Verwaltungspolitik.

Szilveszter Póczik:

Geistige Quellen und Ideologien des politischen Islam

Die erste bedeutende Organisation des politischen Islam, die Muslimbrüderschaft, wurde 1928 von Hasan al-Banna, einem bedeutenden Gegner des Kolonialsystems gegründet. Der politische Islam war in seiner Anfangsperiode eine alternative Ideologie der Befreiung und Modernisierung der islamischen Gesellschaften, er blickte aber aller anderen Vorstellungen zum Trotz auf eine lange Vorgeschichte zurück. Hasan al-Banna und seine Sinnverwandten schöpften ihre Leitideen aus der Ideenwelt früherer Generationen islamischer Denker, als sie sich die Gedanken von Jamal-ud-Din al-Afghani und Muhammad Abduh zu Eigen machten. Bei der Suche ihrer geistigen Vorläufer könnte man jedoch auf noch frühere Zeiten zurückblicken. Die frühesten Schichten des heutigen politischen Islams sind in den Reformbewegungen des 18. Jahrhunderts zu finden. Eine der bekannteste von diesen war der von Mohamed Ibn Abdul Wahhab gegründete Wahabismus, dessen bis heute währender tiefgehender Einfluss auf sein politisches Bündnis mit der Dynastie von Saudi zurückgeht. Bei der Suche der Vorfahren des Fundamentalismus des 20. Jahrhunderts könnte man aber noch tiefer graben, da im Islam, ähnlich, wie beim Christentum auch, seit den Anfängen neotraditionalistische Reformströmungen auftreten, die sich die Erfüllung des wahren Willens des Propheten zum Ziel setzten. Nach dem Zerfall des Ottomanischen Reiches suchten die

Staaten und Gesellschaften des Nahen und Mittleren Ostens die Wege zum Emporstieg in westlichen Modernisierungsmodellen. Unter dem Druck und Negativwirkungen dieses Modernismus und infolge der Säkularisierung erlangte der Islam, der sich der Modernisierung die Grundsätze des islamischen Lebensmodells entgegensetzte und die Modernisierung als schleichenden Imperialismus entlarvte, eine sozialen Mobilisierungskraft. Der politische Islam und seine Kampfgruppen führen nach ihrem eigenen Verständnis einen totalen Krieg gegen den Westen und dessen Agenten, betreiben eine aktive Tätigkeit im sozialen Bereich, aber durch ihre legalen Organisationen auch in den „offiziellen“ politischen Verwaltungs- und Interessenvertretungsorganen. Sie versuchen die etablierte politische Elite und deren Rechts- und Staatsordnung zu unterwandern und aufzulösen. Die Idenwelt des politischen Islam wird in der vorliegenden Studie hauptsächlich aufgrund der Werke von zwei ausschlaggebenden Denkern, Hassan al-Banna und Sayyid Qutb vorgestellt, die bis heute als das geistige Fundament des islamistischen Fundamentalismus gelten.

Katalin Parti:

Internet hotlines for victims – importance and future development

There are two different major changes in understanding victims nowadays. The victim has become more important recently, not only concerning their widened scope of rights through the criminal procedure but also their mental peace. Mediation became an integrated part of the criminal procedure. The other major change is the appearance and instant growth of the internet.

As an essential part of the public-private partnership (urged by European Commission's i2010 strategy) is the importance of internet hotlines. It is argued that Internet hotlines have many more advantages than the traditional platforms for reporting crimes. They are appropriate for victims of crimes against the person, who are often reluctant to go to the police out of shame or lack of trust in law enforcement. They are also ideal for those who experience harm and danger while surfing the internet without actually being victims of prosecutable crimes. They are forums for preventive reporting and they can improve community altruism as well.

The study shows the variability of the hotlines available in Hungary and their methods of helping victims. It will also present how these hotlines can be developed and what characteristics the ideal hotline displays. The internet facilitates finding social communities for similar problems and to ask for psychological help because people do not have to show their face. They can keep their identity hidden while their harms are being cured. In the future, online alter egos can make physical appearance irrelevant and teleimmersive psychological counselling can be a platform for stress-release.

THE FIFTH MAIN FIELD OF RESEARCH: RISKS – PREVENTION

Iván Münnich – József Kó:

Frustration conflict-resolution patterns and their relation to scales of values Meta-analysis

We have made a second analysis of the earlier programme from a new point of view.

The empirical investigations examined the aggressive drives of the young and their answers to frustration-related situations; our analysis examined frustration conflict–resolution patterns in relation to scales of values.

According to our experiences, the answers to frustrating situations depend on the individual’s sensitivity as well as their social embeddedness.

Young people living in families with modern values have a wider response repertoire and give a higher number of and more colourful answers to the PFT test questions, which can be interpreted in different dimensions.

The answers of young people living in conservative families are often simple and include more aggressive elements. The primary influence on their values is not consumption habits.

Examining the usage of media, we did not find significant differences among persons having different values regarding TV watching and video game usage, but significant differences could be proved by incorporating it.

Klára Kerecsi – József Kó:

‘DADA’ is 15 years old. Evaluation of the police prevention programme

The aim of the first phase of the research was to summarise the history, operation and organisational structure of the DADA programme. It soon became clear at the stage of information collection that the programme’s system of registration needs to be reconsidered and modernised, and its accuracy improved.

In the course of the research, we organised focus group discussions in each region among professionals, and held a separate discussion for the founders of the programme.

The key findings of the research are:

- Although the idea of prevention has been present in the activity of the police since the 1980’s, the founders of the DADA programme can be largely credited with disseminating the prevention point of view among police staff.
- The DADA programme is somewhat of an organisational subculture in the organizational structure of the police. The formation of this organisational subculture was helped by (1) the employment of a new generation of police staff, and (2) the formulation of the need for a change of approach. The DADA programme and this new direction in crime prevention interconnected with (3) redefining the police’s youth protection activity and (4) a professional change that, when institutionalised, offered new career opportunities for social workers, teachers, and other experts with similar qualifications, and their attitude and knowledge are especially useful in the area of crime prevention.
- Crime prevention should be developed into a separate branch of the police service. The scope of activities for a ‘prevention police officer’ is already taking shape: it

encompasses disseminating the DADA programme, victim protection, press activities and other tasks not strictly connected to policing.

- The problem of practical cooperation is indicated by the fact that although schools usually welcome the programme, it is often the school that has to adjust to the workload of the trainer from the police. The rules of the frequency of training occasions are unknown to teachers.
- The rate of teachers unaware of the basics of the programme is under 7%. The main goals of the programme are known to 95% of the teachers interviewed, and the majority of them also accept these goals. However, not all schools are aware of the other part of the programme, involving education on general safety. This is probably due to the fact that, in many schools, they consider the DADA programme first of all as a drug-prevention programme, and other objectives are not stressed sufficiently.
- As to the deterrence characteristics of the programme, teachers had different opinions. In certain aspects, the expectations of teachers are different from those the programme wishes to provide. Some teachers expect the trainer to highlight the consequences of deviant behaviour, to warn off and deter students. Other teachers, however, would not like such elements to appear in the programme.
- DADA trainers are popular among students, and usually hold good training sessions. This was acknowledged by the teachers interviewed as well. The training sessions were a positive experience to participants and the activity of DADA trainers improved their opinion of the police a great deal.
- Participation in the programme had an impact on the information structures with regard to the topics involved. According to the findings, students who participated in the DADA programme consider DADA training sessions as a primary source of information and accept the trainers as competent with regard to the issues covered by it.
- Virtually all teachers (99.5%) would like to have DADA training in their schools in the future. Almost all teachers believed that this opportunity was useful or very useful.
- The police officers holding DADA training sessions or working on other areas of crime prevention could be important actors in the prevention framework. They could be facilitating actors in school conflict management, in order to ensure the aspects of a broader local community are represented in prevention.

Szilveszter Dunavölgyi – Katalin Tilki:

The role of the Hungarian Customs and Finance Guard in environmental protection

The study, setting out from the national and international laws of nature protection, gives a brief overview of the organisation and system of customs administration and surveys its purpose in environmental protection. The study reviews the results of the empirical research carried out in 2007 and the most typical cases.

We established that, in most cases, the criminal procedure started due to a well-founded suspicion of the criminal act of damaging nature (Article 281 (1) point c of the Penal Code) because the perpetrators took animals, plants and different medicinal products illegally, which means without the prescribed permission. The majority of the unlawful acts can be attributed to the lack of information among citizens. The complicated and ramifying regulatory system

makes law enforcement difficult. We find it essential to make brochures which would contain the most frequently illegally taken animal and plant species that are under nature protection.

THE SEVENTH MAIN FIELD OF RESEARCH: THE STRUCTURE OF THE STATE, PUBLIC AUTHORITY – REGIONAL ISSUES

Anna Kiss:

Vorstellungen über die Stellung und Rolle der Staatsanwaltschaft

Die Rolle der Staatsanwaltschaft im Strafverfahren gehörte in Ungarn lange Zeit nicht zu den verwöhnten Gebieten die Funktion des Justizwesens untersuchenden Wissenschaften. Heute wird die Lage der Staatsanwaltschaft immer öfter zum Gegenstand wissenschaftlicher Forschungsprojekte. Seit Jahren dauert die politische und professionelle Debatte über die verfassungsrechtliche Stellung der Staatsanwaltschaft. Die Arbeit fasst die Ergebnisse dieser Debatte zusammen und führt seine Empfehlungen ausgehend aus der Rolle der Staatsanwaltschaft in der Kriminaljustiz vor.

Die Forschungsmethoden sind durch die Zielsetzung der Arbeit bestimmt. Neben der herkömmlichen geschichtlich-logischen Analyse enthält die Arbeit relevante Kenntnisse der Rechtswissenschaft und Kriminologie über die Rechtspflege. Der vergleichenden Methode entsprechend wird das Justizwesen in anderen europäischen Ländern dargestellt.

Petra Bárd:

European Union – An Area of Freedom, Security or Justice?

The trigger for the present paper and, in general, the debate on terrorism and states' responses to actual terrorist attacks or potential and perceived dangers, can be traced back to the series of heinous terrorist suicide attacks upon the United States on September 11, 2001, which shook the whole democratic world. Numerous papers, seminars and workshops addressed the implications for stability, peace, international law and international relations called forth by 9/11 and the American responses. While it is impossible and also impracticable to exclude references to the US, the author's objective will be to address terrorism and the rule of law in a comparative way, mainly focusing on the European Union.

The relationship between liberty and security is often seen as necessarily antagonistic. Stressing the security side of the balance has some other major drawbacks from the point of view of the rule of law. First, the existing rights have to be given up for the sake of a perceived, future danger. Second, arguments stressing security often imply that the majority of law-abiding citizens, ordinary people like you and me, have nothing to fear from – or at least we should not fear - the security measures, but much more from potential terrorist attacks. This seems to be a misleading, if not a false argumentation. One should not pretend that the stringent measures intruding into liberties touch only the suspects of the gravest crimes. They may and will infiltrate into ordinary criminal law, and the EU is a perfect example of a jurisdiction where it has actually happened.

In the first part, the author focuses on certain elements of terrorism in the European Union. In the second part of the paper, she gives an overview of the security paradigm and competing definitions of terrorism, then enters the narrower field of databases established and used for

crime and terrorism prevention purposes. In the third part of the paper she shows the fundamental rights measures that may counterbalance the extensive processing of data, with special focus on data protection laws. In the fourth part, the author explores whether the Lisbon Treaty may fill the gap in the data protection mechanism in the third pillar: first, by scrapping the pillar structure; second, by broadening the jurisdiction of the European Court of Justice; third, by making the Charter of Fundamental Rights enter into force; fourth, by enabling the Fundamental Rights Agency to work on previously third pillar matters; and fifth, by obliging the EU to accede to the European Convention on Human Rights. In part five, the conclusions are summarised.

Géza Finszter – Gabriella Kármán:

Act on forensic experts

The study gives an overview of the regulation of the forensic expert system in Hungary. It analyses the question of the extent to which legal norms can ensure a solid scientific basis for expert opinions and the independence of experts. It is especially difficult for police laboratories to comply with these two requirements, where the precondition for gaining expert knowledge is an active involvement in investigations, which, on the other hand, contradicts the essence of the autonomy of experts. A solution can be that criminal technicians from the police conduct their investigations as members of the authorities, while the results of those investigations would be written into protocols. These are pieces of evidence, the authenticity of which can be verified by further expert investigations, eventually based on the initiative of the defence.

II. RESEARCH PROJECTS OUTSIDE THE MAIN FIELD OF RESEARCH

Ádám Mészáros:

Die aktuellen Fragen der strafrechtlichen Verantwortung Die Gefahr auf die Gesellschaft und Strafrechtswürdigkeit

Die Kategorie der Handlung der Gefahr auf die Gesellschaft wird in das ungarische Strafrecht die II. Gesetz von 1950 (Btá) eingeführt. In den vergangenen fast 60 Jahren wird in dem Mittelpunkt des Interesses der inzwischen von der ideologischen Füllung gereinigten Begriff geraten. Als Ergebnis der wissenschaftlichen Debatten nimmt die Planung der Allgemeiner Teil, die durch das Ministerium für Justiz und Polizeiwesen fertiggestellt wurde, unterschiedene Stellung über die Verbannung des Begriffes Straftat „Gefahr auf die Gesellschaft“. Das Thema der Forschung, was die wirklichen oder vermeintlichen Wirren um das Gefahr auf die Gesellschaft verursacht hat, in welcher Beziehung mit der (materiellen) Rechtswürdigkeit steht, bzw. was gewinnt die Rechtsanwendung, wenn das Straftat als formell behandelt wird.

**RESEARCH PROJECTS INITIATED BY
THE PROSECUTOR GENERAL'S OFFICE**

Lenke Fehér – Szilvia Gyurkó:

**Reasons for Reviewing the Age Limit of Criminal Responsibility.
The Characteristics of Social and Justice Systems Dealing
with Minors who Commit a Crime**

This paper could not come to a conclusion in the debate on the age limit for criminal responsibility. In our opinion, there are many more important questions than the age limit, such as what happens to kids who have committed a crime.

The most successful and comprehensive answer to juvenile criminality is neither crime prevention nor criminal procedure. These play a secondary and tertiary role in prevention, but the primary form of prevention is complete cooperation between the educational, health and social sectors. The effective operation of these systems can guarantee the effectiveness of preventing juveniles and children from committing a crime.

Tünde Barabás – Szandra Windt:

The role of prosecutors in the process of mediation

Mediation is a new opportunity that was integrated into Hungarian criminal procedural law in 2006. Criminal procedure is open to mediation but only in the trial phase.

The goal of this research is to establish the opinions of prosecutors about the first year of mediation in Hungary using two methods. First, we analysed the statistical data on mediation; second, we organised two expert meetings.

From the data of the first year, we can say that there were 2,451 mediation cases. According to the data, practice shows big differences between the counties. The most mediation cases in 2007 were in Baranya, Veszprém and Heves counties. The fewest mediation cases were in Zala, Hajdú-Bihar and Nógrád counties.

The differences in practice between the counties were discussed at the two expert meetings. According to these conversations, there are four main problems: the question of reparations and the successful finish of the process; the need for a hearing at the prosecution; to change the police's practice in connection with remitting a case to mediation; and to improve cooperation between the organisations and regarding the difficulties in the juveniles' cases.

According to the statistical data and the opinions of prosecutors, we can say that the subjective factor, the attitude of prosecutors, influences the use of mediation. In summary, the practice needs some minor corrections, but the legal regulation of mediation does not need significant changes.

In the summary of the research, there are some practical and legal suggestions which can help to use this process more effectively.

Petra Bárd – Lenke Fehér:

Human smuggling and trafficking in human beings in the European Union: regulation and practice

The sale of human beings is one of the most lucrative activities pursued by criminals. The demand for sex bought for money and for cheap, illegal labour is extremely high, and so is the profit. Since human smuggling and trafficking are interrelated, it is worth examining the two issues jointly. In the present paper, the related European Union measures and their implementation are examined. Following the European trend, special emphasis is placed on the human rights paradigm and a victim-centred approach. In the last part of the paper, various national pieces of legislation and the respective differences in the Member States are scrutinised.

Szilvia Antal:

Crimes by women between 1996 and 2007 based on ERÜBS

Crimes by women have been lower than male crime in every period of time. In my research, I tried to review the trend of female crime between 1996 and 2007. The statistical data came from a special Hungarian Statistical System (ERÜBS: Unit Police Prosecution Criminal System). In these twelve years, the rate of overall female crime increased by 4.4 percent (in 1996 it was 11.2 percent; in 2007, 15.6 percent). Women commit less violent crime than men, but they commit their crimes most often within the family when compared to the other gender. The typical offences by women are economic and property crime and crimes against the clarity of public life.

In economic crime, the incidence of commission by women exceeds the rate for men. The proportion of female crimes in this category also increased in the last twelve years: in 1996 4.3 percent, in 2007 5.8 percent of all female crimes were economic crimes.

The most commonly committed by of both genders is property crime but women commit more of this crime than men. In 2007 44.6 percent of total female crime was property crime; this proportion for men was 40.8 percent. Within property crime, simple larceny was the most commonly committed by women over the last twelve years.

In 2007 the commission of crime against the clarity of public life was committed more than three times more often by men (3.7) than by women. However, the proportion of this crime among women was higher, at 4.7 percent of total female crime, compared to 3.1 percent of all crimes committed by men.

Women rarely commit traffic crimes: in 1996 the commission of traffic crime by men was 15.6 percent of total male crime; for women it was 6.3 percent. In 2007 it was 18.2 percent for men and 8.4 percent for women.)

For female perpetrators, a law-school qualification and being single, widowed or divorced are typical positions. They earn little money and live in straitened circumstances, which is a breeding-ground for crime. On the other hand, recidivism by women is not typical; very few women are prosecuted for a criminal offence again. The rate of recidivism among them is between 20 and 30 percent.

Female crime is a lonely activity: women tend to commit crime alone, but they remain behind men in this regard. In 2007, 73.4 percent of men had committed their crime alone; among women it was almost 70 percent.

Szilveszter Dunavölgyi – Ádám Mészáros:

The Legislation of Economic Crimes between 1989 and 2007

The research gives an overview of the changes in the definition and treatment of Hungarian economic crimes in the stated interval. At the start of the period, in the process of establishing the rule of law and the basis of a market economy, several new activities became criminalised as economic crimes. It was also necessary to modify the existing categories of such crimes, or bring them up to date. In effect, these changes introduced rigour. In subsequent years, the tendency of the legislation on economic crimes, irrespective of the changing intentions of penal policy, enlarged the scope of criminal responsibility for such crimes, by either penalising additional activities or remodelling existing ones. Liberalising efforts were untypical in this field of criminal law. After surveying twenty-three criminal activities, we set out our conclusions.